

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RODERICK MAGGAY,
Plaintiff,

v.

OFFICER MICKE, et la.,
Defendants.

Case No. 21-cv-04994 BLF (PR)

**ORDER REQUESTING HUMAN
RESOURCES DEPARTMENT FOR
THE ALAMEDA COUNTY
SHERIFF'S OFFICE TO PROVIDE
INFORMATION FOR DEFENDANT
PERRY OR PEREZ**

Plaintiff, a federal prisoner, who is currently confined at the Federal Correctional Institution in Herlong, filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against several officers at the Santa Rita County Jail (“Jail”). Dkt. No. 1. Plaintiff’s amended complaint, Dkt. No. 11, is the operative complaint in this matter. *See* Dkt. No. 25; Dkt. No. 36 at 1-2. On January 17, 2023, the Court ordered service of the amended complaint and directed Defendant Deputy Perez to file a dispositive motion or notice regarding such motion. Dkt. No. 36 at 4.

The Clerk sent a Request for Waiver of Service to Officer Perez¹ at the Jail. Dkt.

¹ Plaintiff filed a “motion for clarification” in which he indicated that the proper Defendant should be Deputy Perez rather than Officer Perry. Dkt. No. 24. Accordingly, the Court ordered Officer Perry’s name to be stricken throughout the amended complaint and replaced with Deputy Perez. Dkt. No. 36 at 2, fn. 1.

No. 37. On January 26, 2023, Defendant Micke² filed a notice of Non-Service of Officer Perez, stating that “Officer Perez, and formerly designated as Officer ‘Perry’, is not employed by the Alameda County Sheriff’s Office, nor has he been employed since prior to when Alameda County Sheriff’s Office first received the initial Request to Waive Service of Summons for ‘Officer Perry’ in this case.” Dkt. No. 38 at 1. Accordingly, Defendant Perez, or “Perry,” has not yet been served.

In the interest of justice, the Court will request the Human Resources (“HR”) Department of the Alameda County Sheriff’s Office to provide information, if any, regarding the identity of Deputy “Perez” or “Perry.” The HR Department is requested to file notice with the court **within fourteen (14) days from the date this order is received** regarding the identity, position, and current employment status of Defendant “Perez” or “Perry” to assist the Court in proceeding with this action.

The Clerk of the Court shall send a copy of this order to the attention of the Departmental HR Manager at the Alameda County Sheriff’s Office (1401 Lakeside Dr., #604, Oakland, CA 94612).

IT IS SO ORDERED.

Dated: February 13, 2023


BETH LABSON FREEMAN
United States District Judge

Order Requesting Info
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² Defendant Micke was served with the amended complaint and appeared on June 21, 2022. Dkt. Nos. 14, 21.